

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 SOUTHERN DIVISION
4
5

6 WALLACE DWAYNE PETERSON, JR.,
7 Plaintiff,

8 VERSUS CIVIL ACTION NO: 1:20-cv-216-HSO-RHWR
9

10 PEARL RIVER COUNTY,
11 MISSISSIPPI; DAVID ALLISON,
12 Individually; and JOHN AND
13 JANE DOES 1-10, Individually,
14 Defendants.
15
16

17 DEPOSITION OF DAVID ALLISON

18 Taken at the Pearl River County Sheriff's
19 Department, 171 Savannah Millard Road,
20 Poplarville, Mississippi, on Friday,
21 October 22, 2021, beginning at 2:46 p.m.
22
23
24
25

1 APPEARANCES:

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18 ALSO PRESENT: Wallace D. Peterson, Jr.

19

20

21

REPORTED BY:

22

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1 STIPULATION

2 It is hereby stipulated and agreed by and
3 between the parties hereto, through their
4 respective attorneys of record, that this
5 deposition may be taken at the time and place
6 hereinbefore set forth, by Natalie R. Seymour,
7 Court Reporter and Notary Public, pursuant to the
8 Federal Rules of Civil Procedure, as amended;

9 That the formality of READING AND SIGNING is
10 specifically WAIVED;

11 That all objections, except as to the form of
12 the questions and the responsiveness of the
13 answers, are reserved until such time as this
14 deposition, or any part thereof, may be used or is
15 sought to be used in evidence.

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1 (Exhibit 11 was marked.)

2 DAVID ALLISON,

3 having been first duly sworn, was

4 examined and testified as follows:

5 - - -

6 EXAMINATION

7 BY MR. HOLDER:

8 Q. Sheriff Allison, good afternoon.

9 A. Good afternoon.

10 Q. My name is Morgan Holder. Sitting next
11 to me is Chris Smith. We represent Wallace
12 Peterson, who is sitting directly behind us.
13 We're here pursuant to notice to take your
14 deposition.

15 Lance, again, for the record, all
16 objections, save to the form, reserved?

17 MR. MARTIN: Yes.

18 BY MR. HOLDER:

19 Q. I'm assuming you've probably had your
20 deposition taken before?

21 A. Yes, sir.

22 Q. About how many times, do you think?

23 A. Maybe five or six.

24 Q. Okay. Well, first of all, state your
25 full name for the record.

1 A. David M. Allison.

2 Q. And you are presently the sheriff of
3 Pearl River County?

4 A. Yes, sir.

5 Q. How long have you been the duly-elected
6 sheriff of Pearl River County?

7 A. Since 2008.

8 Q. So that means you were the sheriff in
9 2019; is that correct?

10 A. Yes, sir.

11 Q. And you said you've had your deposition
12 taken about five times before?

13 A. Yes, sir.

14 Q. And do you recall when the most recent
15 deposition was?

16 A. Shoot, I don't, no, sir.

17 Q. Would you say it was in the last few
18 years, or would you say it was several years ago?

19 A. Several years ago, yes, sir.

20 Q. All right. So just as a refresher, I'm
21 going to ask some questions. If you don't
22 understand the question, feel free to ask me to
23 rephrase it or ask it again. Try to give verbal
24 answers, rather than head nods or uh-uhs, so she
25 can get everything down on the record and the

1 record's clear.

2 You know, I've been known to ask some
3 really terrible questions. So if you need me to
4 repeat it, I certainly will try to do my best to
5 do so.

6 Let's just get straight to the events
7 leading up to why we're here today. Let me ask
8 you this: Prior to your deposition today, have
9 you reviewed any materials or had any discussions
10 with anybody else?

11 A. Just the attorneys, Joe Montgomery and
12 Will and Lance. I've reviewed some of the
13 documents that's went back and forth where y'all
14 sent questions for us to answer.

15 Q. Okay. And do you recall signing those?

16 A. Yes, sir.

17 Q. Okay. And do you know Wallace Peterson?

18 A. Well, I know him now, but I didn't
19 before that morning.

20 Q. Did you know who he was before that
21 morning?

22 A. I had heard his name. You know, it had
23 been talked about around here, but I didn't know
24 him, no, sir.

25 Q. You didn't have any personal-type

1 knowledge or relationship with him prior to that
2 day?

3 A. No, sir.

4 Q. And leading up to that day, were you
5 familiar with an investigation that was going on?

6 A. I was, yes, sir.

7 Q. And do you know how long that
8 investigation had been going on?

9 A. I want to say for months, but I don't
10 know for sure.

11 Q. And when is the first time that you
12 learned that there had been a warrant -- a search
13 warrant issued for his residence?

14 A. A few days prior to us going, I think,
15 if I'm remembering this case right. Because we
16 usually serve them pretty quick, but I think they
17 might have had this one for a couple of days, if I
18 remember right.

19 Q. That's correct. The warrant was issued
20 on the 19th, and it was executed on the 23rd. My
21 best understanding is that was a Monday and
22 Friday.

23 So you learned of the issuance of the
24 warrant sometime after that Monday and before that
25 Friday. Would that be accurate to say?

1 A. Yes, sir.

2 Q. And were you involved in any way in the
3 planning of the execution of the warrant?

4 A. I was. I'm trying to think of where we
5 met at. I don't remember where we met, but
6 anytime we go on a search warrant, yes, sir, we
7 have a little planning meeting before we go on
8 them, and I was at that meeting, yes, sir.

9 Q. Is that plan ever put in writing; do you
10 know?

11 A. I don't think so.

12 Q. Okay. And who was in charge of that
13 meeting?

14 A. With me being there, I would have. But
15 I'm sure Ryan would have been the one kind of
16 informing us on everything.

17 Q. And do you recall whether this was a
18 no-knock warrant or not?

19 A. I don't recall, no, sir.

20 Q. And after this -- we'll call it the
21 operations meeting or the ops meeting. After the
22 ops meeting, what was your understanding of the
23 various individuals' responsibilities as it
24 pertained to executing that warrant?

25 A. We all proceeded to Mr. Peterson's house

1 in multiple vehicles to execute that search
2 warrant.

3 Q. And do you know who entered the house
4 first?

5 A. I believe Shane Edgar was the first one
6 in. There was a couple more deputies there, Ryan
7 with narcotics. I'm usually the last one in when
8 we go on these.

9 Q. Do you know where Ryan was?

10 A. I don't know. I don't remember where he
11 was.

12 Q. Did Ryan ride with you out there?

13 A. No, sir. I rode by myself. I think I
14 rode by myself. You know, I really don't know if
15 anybody rode with me. I know I left by myself,
16 but somebody could have rode with me -- that's
17 happened before -- and caught a ride back with
18 somebody else.

19 Q. Were you already physically
20 present -- not necessarily inside, obviously, but
21 when Shane Edgar went in the door first, were you
22 already on the property?

23 A. Yes, sir.

24 Q. Did you see him go in?

25 A. Yes, sir.

1 Q. Did you see how he entered the door?

2 A. Just opened it and walked in.

3 Q. Okay. So he didn't break it down or
4 anything like that; he just opened it and walked
5 in?

6 A. That's what I remember, yes, sir.

7 Q. And do you know who followed him in the
8 door?

9 A. I don't know in what order. Like I
10 said, there was probably eight or ten of us total
11 there.

12 Q. Okay. And when you walked in -- we'll
13 call it "the stack" -- you're at the end of the
14 stack. So the initial wave goes through, and
15 you're coming in behind them. By the time you got
16 to the front door and you could see inside, was
17 Mr. Peterson already in handcuffs?

18 A. He was.

19 Q. Was he on the ground?

20 A. Yes, sir. He was laying on the carpet
21 in front of the couch.

22 Q. And as you walk in the front door, if
23 you're looking from the front door to the inside
24 of that residence, was he straight ahead, to your
25 left or to your right; do you recall?

1 A. The couch was kind of straight ahead of
2 the door, but he would have been a little bit to
3 the left of the door, at a little bit of an angle.

4 Q. Was anybody on top of him at that point
5 in time?

6 A. No, sir.

7 Q. Did you notice him bleeding at that
8 point in time?

9 A. I did, yes, sir.

10 Q. Did you see him get escorted outside?

11 A. I did, yes, sir.

12 Q. Do you recall who escorted him outside?

13 A. I don't remember, no, sir.

14 Q. Do you know where he went when he got
15 outside?

16 A. He was placed in the back of a patrol
17 unit, a marked unit.

18 Q. And do you recall if that was the K9
19 unit or if that was another unit?

20 A. I don't remember. He was in two units
21 that day while we were there, but I don't remember
22 what they were.

23 Q. One of them was a K9 unit. I think that
24 was the last unit. Do you recall that?

25 A. When he was in the K9 unit?

1 Q. Yes.

2 A. I didn't remember him being in the K9
3 unit. I remember him being in two different
4 units, but I don't recall what they were.

5 Q. Let me ask you this: Do you recall why
6 he would have been in two units?

7 A. We put him in one of the back units
8 closer to the road. And some of his family came
9 up, and he started cutting up in the patrol car,
10 kind of putting on a show for them. So we got him
11 out and talked to him and told him to calm down.
12 So to get him away from them, we walked him up to
13 the other unit and put him in it.

14 Q. Do you know if it had anything to do
15 with him bleeding in car?

16 A. No, sir, not the first time. I think we
17 got him out a second time where he was complaining
18 with bleeding.

19 Q. At that point in time, what's your best
20 recollection of what he was under arrest for?

21 A. I think drug paraphernalia, I believe.
22 And I'm not even sure. I guess he was under
23 arrest at that point and they charged him.

24 Q. And do you recall what he was wearing?

25 A. No, sir.

1 Q. Would it be accurate to say he was just
2 in his shoes and his underwear?

3 A. Possible, but I'm not 100 percent sure.

4 Q. By the time you got inside, he was
5 already on the ground?

6 A. He was.

7 Q. So you didn't see any of the events that
8 took place from the time that Shane Edgar walked
9 through the front door and the time that you
10 walked through the front door?

11 A. That's correct.

12 Q. Now, do you recall Mr. Peterson being
13 brought back inside at some point in time?

14 A. Yes, sir.

15 Q. And what was the purpose of that?

16 A. We wanted to get in the safe that was in
17 one of the back bedrooms. We didn't want to bust
18 it open or pry it open. We didn't know the
19 combination. We went and got him out of the first
20 unit that he was in and brought him inside and
21 asked him to open the safe for us.

22 Q. Okay. And did he do that?

23 A. He did, yes, sir.

24 Q. And what was inside the safe?

25 A. Nothing that I remember. Maybe a

1 shotgun shell, maybe, if I remember right. It
2 seemed like there was something else, but I don't
3 remember. Nothing of any value or anything.

4 Q. Did you know Mr. Peterson's father?

5 A. I do know his father, yes, sir.

6 Q. Do you know his sister?

7 A. I do, yes, sir.

8 Q. Are you involved in any training of your
9 employees insofar as report writing, you know,
10 following policies and procedures and that type of
11 thing, or is that something that is done through a
12 third party?

13 A. I don't understand what you're asking
14 me.

15 Q. Well, I mean, do you teach your officers
16 how they're supposed to write reports or how --

17 A. No. That's done through the academy,
18 when they go to the academy, and then we follow it
19 up with some FTO training with the deputy FTOs.

20 Q. Would you agree in their reports,
21 they're not supposed to be putting assumptions in
22 there, that they're supposed to be putting facts
23 in there that they either observed or were told?
24 Would you agree with that?

25 A. Sometimes they'll word one where they

1 have an assumption in it. It just depends on the
2 particular case. They're writing a report on what
3 happened, you know, to make a paper trail of it.

4 Q. Let me ask you this: If they're writing
5 a report and another officer at the scene tells
6 them what happened and he's in charge of writing
7 the report, he needs to write down exactly what
8 that officer told him happened; right?

9 A. He would write it down the best he would
10 remember.

11 You know, citizens give us reports, too.
12 You know, we write down stuff that they tell us,
13 too, the best you remember.

14 Q. And it's important because two years
15 later, memories fade, right, so it's important to
16 write these things accurately?

17 A. Uh-huh.

18 MR. HOLDER: That's all I have, Lance.

19 - - -

20 EXAMINATION

21 BY MR. MARTIN:

22 Q. Sheriff, you said you were in the last
23 vehicle that arrived?

24 A. That's correct, yes, sir.

25 Q. And you said that once you were on the

1 property, you saw Shane open the door and walk in;
2 correct?

3 A. Yes, sir.

4 Q. Where were you when you saw that happen?

5 A. I was pulling up in the driveway. I was
6 the last vehicle in the driveway. So out at the
7 edge of the road, I turned into the driveway of
8 the house, and I could see the mobile home to my
9 right there.

10 Q. About how many feet, if you had to
11 guesstimate?

12 A. Maybe 100 feet.

13 Q. Okay. When you made your way to the
14 residence, had the entering stack fully entered?

15 A. Yes, sir.

16 Q. Okay. Do you know how long it took you
17 to pull in, park and make your way up to the
18 residence?

19 A. I wasn't running, but I was walking
20 fast. You know, they had already made entry. I
21 would say no more than 30 seconds, 40 seconds,
22 maybe.

23 Q. And you said that when you entered, you
24 saw Peterson on the ground, with nobody on top of
25 him; correct?

1 A. That's correct.

2 Q. Were any officers standing around
3 Mr. Peterson?

4 A. Shane Edgar was standing there and
5 seemed like one other one, but I don't remember
6 who it was.

7 Q. Okay. Were either Shane Edgar or that
8 other officer beating Mr. Peterson?

9 A. No, sir.

10 Q. Did you see either of those officers
11 strike Mr. Peterson at any time?

12 A. They did not strike him, no, sir.

13 Q. But you did state that you saw a little
14 bit of blood on his face?

15 A. Yes, sir.

16 Q. Did you see anything that would cause
17 that blood to be on Mr. Peterson's face?

18 A. I did not.

19 Q. Did you, yourself, go over to
20 Mr. Peterson and strike him in any way?

21 A. No, sir.

22 Q. Once you entered the home while
23 everything else was going on, about how long were
24 you there before Mr. Peterson was taken outside?

25 A. We took him out pretty quick. It wasn't

1 very long. I would say maybe three or four
2 minutes, something like that.

3 Q. Was he on the ground the entire time?

4 A. That I was in there?

5 Q. Yes, sir.

6 A. I can't remember, Lance.

7 Q. Do you remember who took him outside?

8 A. I believe Shane Edgar walked him out,
9 but I'm not 100 percent sure, but I think it was
10 Shane.

11 Q. Did you stay in the living room the
12 whole time, or did you make your way through the
13 house, as well?

14 A. I made my way through the house and
15 outside.

16 Q. Did any of the officers say anything to
17 you about striking Mr. Peterson?

18 A. I asked Shane what happened to him when
19 I saw that his lip was bleeding a little bit.
20 Because, you know, he was laying there when I
21 walked in. Whenever I came in, he kind of looked
22 up at me, and I saw the blood on his lip. And
23 there was a wine bottle laying there on the floor.

24 So I asked Shane what happened to him,
25 and he said that whenever he made entry into the

1 house, that Wally -- you know, he identified
2 himself as "sheriff's department, search warrant."
3 Wally jumped up off the couch and grabbed that
4 wine bottle off, like, a end table of the couch
5 and grabbed it back to hit him. That's what made
6 him take him to the ground. And the force of
7 taking him to the ground, I don't know if his
8 mouth hit the floor or what, but his mouth got
9 busted. But that happened before I was in there.
10 I just asked Shane.

11 Q. That's what you learned from Mr. Edgar,
12 Officer Edgar?

13 A. Uh-huh.

14 Q. You mentioned that Mr. Peterson said
15 something about -- complaining about bleeding.
16 Did he make that complaint directly to you?

17 A. He did, I think.

18 When the family got there, I went and
19 stayed outside with the family and was talking to
20 them. He was in the car. He was in the backseat
21 of the car in front of my truck.

22 And, of course, he knew they were there.
23 His father was there, and his grandparents live
24 across the street. Both of them were there,
25 grandmother and grandfather.

1 So he got to cutting up, and I went and
2 opened the door and told him to calm down. His
3 mouth wasn't bleeding. It had that little bit of
4 blood on it, but it wasn't bleeding so that he was
5 dripping blood when he was in the house or in the
6 car until they got there. And it appeared that he
7 gnawed on his lip more to make it bleed.

8 So I went and told him that he needed to
9 calm down and quit cutting up. He did for a few
10 minutes, and then he started again. I think he
11 knocked on the door or the window or something and
12 said that he was bleeding at that point.

13 You know, we moved him up closer to the
14 mobile home to get him away from his family. If I
15 remember right, we might have let his daddy talk
16 to him there for a minute before we moved him when
17 we got him out of that first unit.

18 Q. Sheriff, I know you're a sheriff and not
19 a doctor. I certainly wouldn't want you to make
20 any kind of, you know, medical diagnosis or
21 anything, but did anything about -- what did the
22 blood on Mr. Peterson's face -- how did that make
23 you feel?

24 A. What do you mean?

25 Q. I mean, did it indicate to you any type

1 of emergency?

2 A. Oh, no, sir.

3 Q. And why not?

4 A. It was minor. It was minor.

5 Q. All right. And when you moved him to
6 the second unit, to your memory, was it bleeding
7 profusely?

8 A. It never was bleeding bad. It was just
9 bleeding worse. You could tell he had did
10 something to it and made it worse. That's why we
11 kind of thought that he gnawed on it, because it
12 just went from a speck of blood to, you know,
13 hardly not bleeding or really wasn't bleeding. It
14 was a speck of blood on it. We walked him
15 outside, and it's not dripping blood. We put him
16 in the car, and it's not dripping blood on him
17 nowhere.

18 It was a minor cut. He got it bleeding
19 by gnawing on it or something in that car. It was
20 a little worse, but it still wasn't bad.

21 Q. And I guess regardless of the bleeding,
22 you didn't see him get struck in the face to cause
23 that; correct?

24 A. No, sir, I didn't.

25 Q. And you didn't see him actually bite

1 himself; you just noticed that there was more
2 blood than when he came out of the trailer?

3 A. That's correct, yeah.

4 MR. MARTIN: That's all I have.

5 - - -

6 FURTHER EXAMINATION

7 BY MR. HOLDER:

8 Q. I have a couple of little follow-ups
9 real quick.

10 You don't know whether he was initially
11 swallowing some blood, either, do you?

12 A. Nuh-uh.

13 Q. Which could have made it look like he
14 wasn't bleeding very bad if he was swallowing it?

15 A. No. It wasn't bleeding enough to
16 swallow it. Whatever he was doing there in the
17 car, whether it was gnawing it or something, he
18 might have had some blood in his mouth then.

19 Q. Well, where was the cut?

20 A. It was on his lip.

21 Q. So, I mean, he could have easily been
22 swallowing the blood. It could have gotten in his
23 mouth, and that's why he appeared to not be
24 bleeding, and then he stopped swallowing the
25 blood. Isn't that just as likely an explanation

1 as him gnawing on his lip?

2 A. I don't know. It didn't appear to be
3 bleeding that bad. I was standing over him. You
4 know, he was laying on the floor, looking up at
5 me, so I could see his bottom lip real well. You
6 know, it didn't appear that any blood was going in
7 his mouth. You know, other than talking to him, I
8 didn't examine his mouth.

9 Q. But in between, you know, checking on
10 him and his family, you were also going inside and
11 searching the house and all of that, too; right?

12 A. I think once I got outside with the
13 family, I stayed out there the rest of the time.
14 I don't remember going back in the house, you
15 know.

16 Q. And you said Shane Edgar, you saw he
17 opened the door and walked in; is that correct?

18 A. Yes, sir.

19 Q. And he didn't force the door open?

20 A. I don't remember him forcing it open.
21 If he did, he did it before I turned in the
22 driveway.

23 Q. Have you talked to Shane Edgar today?

24 A. I have not, no, sir.

25 MR. HOLDER: That's all I have.

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(Deposition concluded at 3:11 p.m.)

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1 CERTIFICATE OF COURT REPORTER

2 I, NATALIE R. SEYMOUR, Court Reporter and
3 Notary Public, in and for the County of Harrison,
4 State of Mississippi, hereby certify that the
5 foregoing pages, and including this page, contain a
6 true and correct transcript of the testimony of the
7 witness, as taken by me at the time and place
8 heretofore stated, and later reduced to typewritten
9 form by computer-aided transcription under my
10 supervision, to the best of my skill and ability.

11 I further certify that I placed the witness
12 under oath to truthfully answer all questions in
13 this matter under the authority vested in me by the
14 State of Mississippi.

15 I further certify that I am not in the employ
16 of, or related to, any counsel or party in this
17 matter, and have no interest, monetary or
18 otherwise, in the final outcome of the proceedings.

19 Witness my signature and seal, this the 8th
20 day of November, 2021.

21 *Natalie R. Seymour*



22
23
24 Natalie R. Seymour, CSR #1637
25 My Commission Expires 6/12/2022.

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